

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

FELTON L. MATTHEWS, JR., )

Plaintiff, )

v. )

STATE OF NEVADA LEGISLATURE, et al., )

Defendants. )

3:08-cv-00387-LRH-VPC

ORDER

Before this Court is Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#133<sup>1</sup>) entered on December 29, 2009, recommending granting Defendant English's Motion to Dismiss (#101), filed on July 30, 2009; granting Defendant Curtis's Motion to Dismiss (#103), filed August 5, 2009; granting Defendant Gillespie's Motion to Dismiss (#113), filed August 21, 2009, and denying as moot Plaintiff's Motion for Summary Judgment (#108) filed on August 7, 2009, and Plaintiff's Request to Treat Motion for Summary Judgment as a Cross-Motion for Summary Judgment (#119) filed on August 27, 2009. Plaintiff filed his Objections to Magistrate's Report and Recommendation (#134) on January 11, 2010; Defendant English filed her Response to Plaintiff's Objections to Magistrate Judge's Report and Recommendation (#135) on January 28, 2010; Defendant Gillespie filed his Opposition to Plaintiff's Objections to the Report and Recommendations (#136) on

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<sup>1</sup>Refers to court's docket number.

1 January 28, 2010, and Plaintiff filed on February 4, 2010, his reply to Defendant English's response  
2 to Plaintiff's objections to the Report and Recommendation (#137) and Judicial Notice Regarding  
3 Recent Full Classification at NDOC-ESP Max (#139) on March 1, 2010, pursuant to 28 U.S.C. §  
4 636(b)(1) and Local Rule 1B 3-2 of the Rules of Practice of the United States District Court for the  
5 District of Nevada.

6 The Court has conducted its *de novo* review in this case, has fully considered the objections  
7 of the Plaintiff, the pleadings and memoranda of the parties and other relevant matters of record  
8 pursuant to 28 U.S.C. § 636 (b) (1) and Local Rule IB 3-2. The Court determines that the Magistrate  
9 Judge's Report and Recommendation (#133) entered on December 29, 2009, should be adopted and  
10 accepted.

11 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation  
12 (#133) entered on December 29, 2009, is adopted and accepted, and Defendant English's Motion to  
13 Dismiss (#101), Defendant Curtis's Motion to Dismiss (#103), and Defendant Gillespie's Motion to  
14 Dismiss (#113) are GRANTED.

15 IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (#108) and  
16 Plaintiff's request to treat the motion as a cross motion for summary judgment (#119) are DENIED as  
17 moot.

18 IT IS SO ORDERED.

19 DATED this 30th day of March, 2010.

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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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